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12 **UNITED STATES DISTRICT COURT**  
13 **CENTRAL DISTRICT OF CALIFORNIA**

14 STAR FABRICS, INC., a California  
15 Corporation,

16 Plaintiff,

17 v.

18 RUE21, INC., a Delaware Corporation; and  
19 DOES 1 through 10,

20 Defendants.

Case No.:

PLAINTIFF'S COMPLAINT FOR  
COPYRIGHT INFRINGEMENT

Jury Trial Demanded

21 Star Fabrics, Inc., by and through its undersigned attorneys, hereby prays to  
22 this honorable Court for relief based on the following:

23 **JURISDICTION AND VENUE**

24 1. This action arises under the Copyright Act of 1976, Title 17 U.S.C., § 101  
25 *et seq.*

26 2. This Court has federal question jurisdiction under 28 U.S.C. § 1331 and  
27 1338 (a) and (b).



1 circumstances, including, but not limited to, full knowledge of each violation of  
2 Plaintiff's rights and the damages to Plaintiff proximately caused thereby.

3 **CLAIMS RELATED TO DESIGN NO. 62194**

4 8. Plaintiff owns an original two-dimensional artwork used for purposes of  
5 textile printing entitled 64893 ("Subject Design A") which has been registered with  
6 the United States Copyright Office.

7 9. Prior to the acts complained of herein, Plaintiff widely disseminated fabric  
8 bearing Subject Design A to numerous parties in the fashion and apparel industries.

9 10. Plaintiff is informed and believes and thereon alleges that following its  
10 distribution of Subject Design A, RUE21, DOE Defendants, and each of them  
11 distributed and/or sold fabric and/or garments featuring a design which is  
12 substantially similar to Subject Design A (hereinafter "Subject Product A") without  
13 Plaintiff's authorization, including but not limited to products sold by RUE21 under  
14 SKU 400185351537, RN 70829, and bearing the label "RUE21" and Style No. 9103,  
15 indicating that it was manufactured by or for RUE21.

16 11. A representative image of Subject Design A and Subject Product A are set  
17 forth hereinbelow:

18 **Subject Design A**



**Subject Product A**



**CLAIMS RELATED TO DESIGN NO. 64893**

12. Plaintiff owns an original two-dimensional artwork used for purposes of textile printing entitled 64893 (“Subject Design B”) which has been registered with the United States Copyright Office.

13. Prior to the acts complained of herein, Plaintiff widely disseminated fabric bearing Subject Design B to numerous parties in the fashion and apparel industries.

14. Plaintiff is informed and believes and thereon alleges that following its distribution of Subject Design B, RUE21, DOE Defendants, and each of them distributed and/or sold fabric and/or garments featuring a design which is substantially similar to Subject Design B (hereinafter “Subject Product B”) without Plaintiff’s authorization, including but not limited to products sold by RUE21 under SKU 0016957847 and bearing the label “RUE21 etc” and Style No. 2222, indicating that it was manufactured by or for RUE21.

15. A representative image of Subject Design A and Subject Product A are set forth hereinbelow:

**Subject Design B**



**Subject Product B**



**FIRST CLAIM FOR RELIEF**

(For Copyright Infringement - Against All Defendants, and Each)

16. Plaintiff repeats, realleges and incorporates herein by reference as though

1 fully set forth the allegations contained in the preceding paragraphs of this  
2 Complaint.

3 17. Plaintiff is informed and believes and thereon alleges that Defendants, and  
4 each of them, had access to Subject Design A and B (collectively, “Subject  
5 Designs”), including, without limitation, through (a) access to Plaintiff’s showroom  
6 and/or design library; (b) access to illegally distributed copies of Subject Designs by  
7 third-party vendors and/or DOE Defendants, including without limitation  
8 international and/or overseas converters and printing mills; (c) access to Plaintiff’s  
9 strike-offs and samples, and (d) access to garments in the marketplace manufactured  
10 with lawfully printed fabric bearing Subject Designs.

11 18. Plaintiff is informed and believes and thereon alleges that one or more of  
12 the Defendants manufactures garments and/or is a garment vendor. Plaintiff is  
13 further informed and believes and thereon alleges that said Defendant(s), and each of  
14 them, has an ongoing business relationship with Defendant retailers, and each of  
15 them, and supplied garments to said retailers, which garments infringed Subject  
16 Designs in that said garments were composed of fabric which featured unauthorized  
17 print designs that were identical or substantially similar to Subject Designs, or were  
18 an illegal modification thereof.

19 19. Plaintiff is informed and believes and thereon alleges that Defendants, and  
20 each of them, infringed Plaintiff’s copyright by creating, making and/or developing  
21 directly infringing and/or derivative works from Subject Designs and by producing,  
22 distributing and/or selling Subject Products through a nationwide network of retail  
23 stores, catalogues, and through on-line websites.

24 20. Due to Defendants’, and each of their, acts of infringement, Plaintiff has  
25 suffered damages in an amount to be established at trial.

26 21. Due to Defendants’, and each of their, acts of copyright infringement as  
27 alleged herein, Defendants, and each of them, have obtained profits they would not  
28



1 otherwise have realized but for their infringement of Subject Designs. As such,  
2 Plaintiff is entitled to disgorgement of Defendants', and each of their, profits  
3 attributable to the infringement of Subject Designs in an amount to be established at  
4 trial.

5 22. Plaintiff is informed and believes and thereon alleges that Defendants, and  
6 each of them, have committed copyright infringement with actual or constructive  
7 knowledge of Plaintiff's rights such that said acts of copyright infringement were,  
8 and continue to be, willful, intentional and malicious.

9 **PRAYER FOR RELIEF**

10 Wherefore, Plaintiff prays for judgment as follows:

- 11 a. That Defendants—each of them—and their respective agents and  
12 servants be enjoined from importing, manufacturing, distributing,  
13 offering for sale, selling or otherwise trafficking in any product that  
14 infringes Plaintiff's copyrights in Subject Designs;
- 15 b. That Plaintiff be awarded all profits of Defendants, and each of them,  
16 plus all losses of Plaintiff, the exact sum to be proven at the time of trial,  
17 or, if elected before final judgment, statutory damages as available under  
18 the Copyright Act, 17 U.S.C. § 101 et seq.;
- 19 c. That Plaintiff be awarded its attorneys' fees as available under the  
20 Copyright Act U.S.C. § 101 et seq.;
- 21 d. That Plaintiff be awarded pre-judgment interest as allowed by law;
- 22 e. That Plaintiff be awarded the costs of this action; and
- 23 f. That Plaintiff be awarded such further legal and equitable relief as the  
24 Court deems proper.
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1 Plaintiff demands a jury trial on all issues so triable pursuant to Fed. R. Civ. P.  
2 38 and the 7<sup>th</sup> Amendment to the United States Constitution.

3 Dated: May 2, 2016

DONIGER/BURROUGHS

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5 By: /s/ Stephen M. Doniger  
6 Stephen M. Doniger, Esq.  
7 Howard S. Han, Esq.  
8 Attorneys for Plaintiff  
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